

## **1998 Noncode Acts**

### **1994-40-86**

SECTION 86. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health established by this SECTION.

(b) The Indiana commission on mental health is established.

(c) The commission consists of sixteen (16) members. The speaker of the house of representatives and the president pro tempore of the senate shall each appoint two (2) legislative members, who may not be from the same political party, to serve on the commission. The governor shall appoint twelve (12) lay members, not more than six (6) of whom may be from the same political party, to serve on the commission as follows:

(1) Four (4) at-large members, not more than two (2) of whom may be from the same political party.

(2) Two (2) consumers of mental health services.

(3) Two (2) representatives of different advocacy groups for consumers of mental health services.

(4) Two (2) members of families of consumers of mental health services.

(5) Two (2) members who represent mental health providers. One (1) of the members appointed under this subdivision must be a physician licensed under IC 25-22.5.

(d) Except for the members appointed under subsection (c)(5), the members of the commission may not have a financial interest in the subject matter to be studied by the commission.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairman of the commission.

(f) Each legislative member and each lay member of the commission is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

(g) The commission shall do the following:

(1) Study and evaluate the funding system for managed care providers of mental health services.

(2) Review and make specific recommendations regarding the provision of mental health services delivered by community managed care providers and state operated hospitals.

(3) Review and make recommendations regarding any unmet need for public supported mental health services in any specific geographic area or throughout Indiana. In formulating these recommendations, the commission shall consider the need, feasibility, and desirability of including additional organizations in the network of managed care providers.

(4) Review the results of the actuarial study which must be submitted by the division of mental health to the commission not later than thirty (30) days after completion of the actuarial study.

(5) Make recommendations regarding the application of the actuarial study by the division of mental health to the

determination of service needs, eligibility criteria, payment, and prioritization of service.

(h) The commission shall submit recommendations under subsection (g) to the secretary of the family and social services administration and to the legislative council before July 1, 1998.

(i) The commission shall:

(1) monitor the implementation of managed care programs for all populations of the mentally ill that are eligible for care that is paid for in part or in whole by the state; and

(2) make recommendations regarding the commission's findings under subdivision (1) to the appropriate division or department.

(j) This SECTION expires January 1, 2002.

*As added by P.L.40-1994, SEC.86. Amended by P.L.37-1998, SEC.3.*

#### **1994-40-90**

SECTION 90. (a) As used in this SECTION, "commission" refers to the Indiana commission on mental health created by this act.

(b) The division of mental health, before developing study and evaluation instruments, shall, with the contractor, meet with representatives of mental health consumers, advocacy groups, employee groups, and managed care providers.

(c) Notwithstanding IC 12-29-2, the division of mental health:

(1) may continue to develop and implement a prospective or per diem funding system to fund:

(A) eligible community mental health centers; and

(B) managed care providers;

for services to eligible mentally ill and substance abuse patients other than seriously and persistently mentally ill adults; and

(2) may continue to implement the division's prospective payment system for funding programs that benefit seriously and persistently mentally ill adults;

if all prospective or per diem payment systems implemented by the division are developed using actuarial data and principles and generally accepted accounting principles incurred by efficient and economically operated programs that serve mentally ill and substance abuse patients who are found to be eligible for care that is paid for in part or in whole by the state. Adequate management information and patient tracking systems must also be developed and in place before implementation.

(d) The division of mental health shall develop proposed rules under IC 4-22-2 for managed care providers in accordance with the results of the actuarial study and pilot program conducted under this SECTION and report the proposed rules to the commission before July 1, 1997. The division of mental health shall also submit annual status reports concerning the requirements of this SECTION to the commission.

(e) The division of mental health shall, before April 1, 1998, adopt rules under IC 4-22-2:

(1) setting forth specific criteria for managed care providers under IC 12-21 through IC 12-29; and

(2) notwithstanding IC 12-29-2, creating an operational and prospective funding system that is consistent with IC 12-21-2-7, as amended by this act.

(f) This SECTION expires January 1, 2000.  
*As added by P.L.40-1994, SEC.90. Amended by P.L.37-1998, SEC.4.*  
**1997-112-5**

SECTION 5. (a) As used in this SECTION, "environmental modifications" means adjustments to the home environment of a person with autism, including providing ramps for wheelchair accessibility, handrails, and vehicle modifications designed to assist in the person's ability to remain in the community.

(b) As used in this SECTION, "personal assistance" means personal care services for a person with autism, including assistance with personal grooming, cooking, feeding, and homemaking to assist in the person's ability to remain in the community.

(c) As used in this SECTION, "waiver" refers to a home and community based services waiver described in 42 U.S.C. 1396n(c) as it:

- (1) applies to persons with autism; and
- (2) is in effect on July 1, 1997.

(d) The office of Medicaid policy and planning shall seek approval under 42 U.S.C. 1396 et seq. from the United States Department of Health and Human Services to amend the waiver as follows:

(1) Each year during the course of the waiver renewal period raise the number of eligible persons who may be served by the waiver as follows:

(A) From ninety (90) to one hundred forty-five (145) during the state fiscal year beginning July 1, 1997, and ending June 30, 1998.

(B) From one hundred forty-five (145) to two hundred (200) during state fiscal years beginning after June 30, 1998.

(2) Provide for personal assistance and environmental modifications for a person with autism who:

(A) is eligible to use the home and community based services waiver for persons with autism under 42 U.S.C. 1396n(c); and

(B) would otherwise require a level of care provided in an intermediate care facility for the mentally retarded (as defined in 42 U.S.C. 1396d(d)) in the absence of home and community based services described under this subdivision.

(3) Convert the waiver into a regular waiver as described by 42 CFR 441.305 (a).

(e) The personal assistance and environmental modifications required under subsection (d) must be comparable to the services available under the intermediate care facility for the mentally retarded (ICF/MR) waiver.

(f) The office of Medicaid policy and planning shall apply for approval from the federal Health Care Financing Administration to amend the waiver to implement this SECTION before January 1, 1998.

(g) The office of Medicaid policy and planning may not implement the changes listed under subsection (d) until the office of Medicaid policy and planning files an affidavit with the governor that attests that the federal Health Care Financing Administration has approved the changes in the waiver requested by the office of Medicaid policy and planning under this SECTION.

(h) The office of Medicaid policy and planning shall adopt rules under IC 4-22-2 necessary to implement this SECTION.

(i) This SECTION expires July 1, 2002.

*As added by P.L.112-1997, SEC.5. Amended by P.L.128-1998, SEC.1.*

**1997-261-8**

SECTION 8. IC 35-41-1-25, IC 35-42-1-1, IC 35-42-1-3, IC 35-42-1-4, IC 35-42-2-1.5, and IC 35-50-2-9, as amended by this act, apply to offenses committed after June 30, 1997.

**1998-2-92**

SECTION 92. (a) This act is intended to resolve technical conflicts among acts enacted by the general assembly and to correct other technical errors. This act is not intended to change the intended effective date of any statute or otherwise result in any substantive change in the law.

(b) This act does not affect any:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) violations committed; or
- (4) proceedings begun;

before the effective date of this act. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if this act had not been enacted.

(c) Any reference in any statute or rule to a statute that is repealed and replaced in the same or a different form in this act shall be treated after the effective date of the new provision as a reference to the new provision.

**1998-11-25**

SECTION 25. 750 IAC 2-9 and 750 IAC 5-2-1 are void. The publisher of the Indiana Administrative Code and Indiana Register shall remove these rules from the Indiana Administrative Code.

**1998-13-2**

SECTION 2. IC 35-44-3-3, as amended by this act, applies only to offenses committed after June 30, 1998.

**1998-15-7**

SECTION 7. (a) All amounts deferred under the state employees' deferred compensation plan before July 1, 1998, that remain in the plan on July 1, 1998, must be put into the trust required by IC 5-10-1.1-4(c), as amended by this act, for the exclusive benefit of plan participants, as required by Section 457(g) of the Internal Revenue Code.

(b) All amounts deferred under any other deferred compensation plan established under IC 5-10-1.1 that remain in the plan on December 31, 1998, must be held for the exclusive benefit of plan participants in a manner permitted by Section 457(g) of the Internal Revenue Code.

(c) This SECTION expires July 1, 2002.

**1998-21-23**

SECTION 23. IC 20-14-2-3, as amended by this act, applies to the establishment of a public library that is initiated after June 30, 1998, under IC 20-14-2-3(b), as amended by this act.

#### **1998-22-26**

SECTION 26. (a) As used in this SECTION, "board" refers to the board of trustees of the public employees' retirement fund.

(b) Before November 1, 1998, the board shall do the following:

(1) Effective January 1, 1999, remove park rangers described in IC 36-8-8-1(4), as amended by this act, from membership in the public employees' retirement fund.

(2) For a park ranger described in IC 36-8-8-1(4), as amended by this act, credit to the 1977 fund the amount of contributions that:

(A) the park ranger has made to the public employees' retirement fund; and

(B) the employer of the park ranger has made to the public employees' retirement fund on behalf of the park ranger.

(c) If a park ranger described in IC 36-8-8-1(4), as amended by this act, becomes a participant in the 1977 fund, credit for prior service before the date of participation or membership may be given by the board only if the following occur:

(1) The amount the park ranger would have contributed if the park ranger had been a member of the 1977 fund during the park ranger's prior service is:

(A) fully paid; and

(B) based on the park ranger's actual salary earned during that period.

However, the board may accept payment over a period not greater than five (5) years at a rate of interest determined by the board.

(2) If the park ranger has prior service in the 1977 fund, the unit contributes to the 1977 fund the amount necessary to fund prior service liability amortized over not more than ten (10) years.

(d) If a park ranger becomes a participant in the 1977 fund, the following provisions apply:

(1) A minimum benefit applies to a park ranger who transfers to the 1977 fund from the public employees' retirement fund. The minimum benefit for such a member, payable at fifty-five (55) years of age, equals the actuarial equivalent of the vested retirement benefit payable to the member upon normal retirement under IC 5-10.2-4-1 as of the day before the transfer, based solely on:

(A) creditable service; and

(B) the average of the annual compensation;  
of the transferring member as of the day before the transfer.

(2) The board shall transfer from the public employees' retirement fund to the 1977 fund the present value of the retirement benefits payable at sixty-five (65) years of age attributable to the transferring member.

(3) The amount the member and the unit must contribute to the 1977 fund shall be reduced by the amounts transferred to the 1977 fund by the board under subdivision (2).

(4) Credit for prior service in the public employees' retirement fund of a member as a park ranger is waived in the public employees' retirement fund. Any credit for that service under the 1977 fund shall be given only in accordance with subsection (c).

(5) Credit for prior service in the public employees' retirement fund of a member, other than as a park ranger, remains in the public employees' retirement fund and may not be credited under the 1977 fund.

(e) A park ranger described in IC 36-8-8-1(4), as amended by this act, shall be treated as having been a member of the appropriate fund from the date of employment for all purposes, including the calculation of benefits and eligibility for benefits.

(f) This SECTION expires July 1, 1998.

#### **1998-22-27**

SECTION 27. The PERF board (as defined in IC 2-3.5-2-9) may consider a claim for benefits under IC 5-10.2-4-6(a), as amended by this act, even if the disability of the member making the claim arose from events occurring after March 31, 1994, and before April 2, 1998. A benefit claim approved by the PERF board under this SECTION is payable after the later of April 1, 1998, or the date of the member's claim.

#### **1998-22-28**

SECTION 28. (a) A retirement benefit paid before July 1, 1998, under IC 4-3-3-1.1(e)(1)(B) or IC 4-3-3-1.1(e)(1)(C) shall be paid after June 30, 1998, under IC 4-3-3-1.1(e)(1)(B), as amended by this act.

(b) A retirement benefit paid before July 1, 1998, under IC 4-3-3-1.1(e)(2)(B) or IC 4-3-3-1.1(e)(2)(C) shall be paid after June 30, 1998, under IC 4-3-3-1.1(e)(2)(B), as amended by this act.

(c) A retirement benefit paid before July 1, 1998, under IC 4-3-3-1.1(f)(1)(B) or IC 4-3-3-1.1(f)(1)(C) shall be paid after June 30, 1998, under IC 4-3-3-1.1(f)(1)(B), as amended by this act.

(d) A retirement benefit paid before July 1, 1998, under IC 4-3-3-1.1(f)(2)(B) or IC 4-3-3-1.1(f)(2)(C) shall be paid after June 30, 1998, under IC 4-3-3-1.1(f)(2)(B), as amended by this act.

(e) This SECTION expires January 1, 1999.

#### **1998-31-12**

SECTION 12. (a) As used in this SECTION, "rape drug" means a drug that is used to facilitate commission of a sex offense.

(b) The state police department, the Indiana criminal justice institute, and the state board of pharmacy shall work with interested parties to amend the Indiana recommended protocol for the forensic and medical examination of sex offense victims to include the following:

(1) An explanation to a victim of common rape drugs, how the drugs are administered, and the effects of the drugs.

(2) An offer to a victim of testing for the presence of rape drugs.

(3) A consent form notifying the victim that all drugs taken will be disclosed by the drug test.

(c) This SECTION expires July 1, 1999.

**1998-31-13**

SECTION 13. (a) As used in this SECTION, "state institution of higher education" includes the following:

- (1) Ball State University.
- (2) Indiana State University.
- (3) Indiana University.
- (4) Purdue University.
- (5) University of Southern Indiana.
- (6) Vincennes University.

(b) Each state institution of higher education shall submit a report to the Indiana criminal justice institute that includes the following for each residential campus of the institution:

- (1) Information concerning the institution's written policy, if any, on rape and sexual assault and the extent to which that policy:
  - (A) fosters the prevention and awareness of sexual offenses;
  - (B) encourages prompt reporting of sexual offenses; and
  - (C) establishes a complaint procedure for on-campus sexual violence and crimes.

(2) Information concerning:

- (A) educational materials developed for distribution on campus; and

(B) institution-sponsored or supported programs;

that are related to the institution's efforts to raise awareness of and prevent date rape, the use of date rape drugs, and other safety issues.

(3) Lists of on-campus and off-campus resources available to students for:

- (A) the reporting of sexual offenses to authorities; and
- (B) counseling and other assistance for victims of sexual offenses.

(4) Information concerning the institution's efforts to solicit suggestions and assistance from students, faculty, staff, law enforcement officers, and medical personnel in developing the institution's policies, educational materials, and programs associated with the reduction of sexual offenses against students and other members of the educational community.

(c) The report required under subsection (b) shall be submitted to the Indiana criminal justice institute before October 1, 1998.

(d) The Indiana criminal justice institute shall compile the reports received under subsection (c) into a final report and distribute the final report to the governor and the members of the legislative council before December 1, 1998.

(e) This SECTION expires January 1, 1999.

**1998-31-14**

SECTION 14. (a) IC 35-48-4-13, as amended by this act, applies only to offenses committed after June 30, 1998.

(b) An offense committed under IC 35-48-4-13 before July 1, 1998, may be prosecuted and remains punishable as provided in IC 35-48-4-13, as effective before July 1, 1998.

**1998-32-31**

SECTION 31. (a) Notwithstanding IC 27-8-19.8-9, as amended by this act, a person who holds a valid license under IC 27-8-19.8-11 (before its amendment by this act) on December 31, 1998, is considered to have a valid license under IC 27-8-19.8-9, as amended by this act, and does not need to reapply or renew the license until the date the license is due for renewal.

(b) This SECTION expires January 1, 2000.

**1998-35-29**

SECTION 29. At a child's first periodic case review occurring after June 30, 1998, the county office of family and children is required to advise the child's parent, guardian, or custodian in writing that a petition to terminate the parent-child relationship must be filed with respect to the child after June 30, 1999 if the child has been removed from the child's parent and has been under the supervision of a county office of family and children for at least fifteen (15) months of the most recent twenty-two (22) months. However, if a child's parent, guardian, or custodian fails to appear at the first periodic case review occurring after June 30, 1998, the county office of family and children shall make reasonable efforts to send notice of the advisement to the last known address of the parent, guardian, or custodian.

**1998-35-30**

SECTION 30. (a) This SECTION applies to a child in Indiana who:

(1) is in an out-of-home placement described in IC 31-35-2-4.5(a)(2)(A), as added by this act, on or before November 19, 1997; and

(2) has been removed from a parent and is under the supervision of a county office of family and children for at least fifteen (15) months of the most recent twenty-two (22) months under IC 31-35-2-4.5(a)(2)(B), as added by this act.

(b) As used in this SECTION, "division" refers to the division of family and children.

(c) As used in this SECTION, "county office" refers to a county office of family and children.

(d) Except as provided in IC 31-35-2-4.5(d), as added by this act, a petition to terminate the parent-child relationship must be filed under IC 31-35-2-4 with respect to all children in Indiana to whom this section applies as follows:

(1) Not later than October 29, 1999, for at least one-third (1/3) of the children described in this SECTION.

(2) Not later than April 29, 2000, for at least two-thirds (2/3) of the children described in this SECTION.

(3) Not later than October 29, 2000, for all children described in this SECTION.

(e) The division shall prepare and maintain a record of children described in subsection (a). Each county office shall transmit to the division information, in a form and at the time prescribed by the division, sufficient to enable the division to prepare and maintain the record required by this SECTION.



(f) The division shall select, from the record described in subsection (e), the children for whom a petition must be filed not later than the dates specified in subsection (d). The division shall notify the following of the name of each child selected and the deadline for filing each petition:

- (1) The director of a county office of family and children that has responsibility for the child.
- (2) The prosecuting attorney for the county that has jurisdiction over the placement of the child.
- (3) The child's guardian ad litem or court appointed special advocate, if any.

(g) In selecting the children from the record maintained under this SECTION, for the purposes of subsection (d)(1) and (d)(2), the division shall give priority to children:

- (1) for whom a permanency plan approved under IC 31-34-21-7 provides for placement of the child for adoption; and
- (2) who have been placed in an out-of-home placement as described in IC 31-35-2-4.5(a)(2), as added by this act, for the greatest length of time.

(h) This SECTION does not require the filing of a petition to terminate the parent-child relationship with respect to a child described in this SECTION if the child is not a child who is in an out-of-home placement as described in IC 31-35-2-4.5(a)(2), as added by this act, on the date the petition is or would be ready for filing.

(i) This SECTION expires December 31, 2000.

#### **1998-35-31**

SECTION 31. (a) This SECTION applies to a child in Indiana who:

- (1) is first placed in an out-of-home placement described in IC 31-35-2-4.5(a)(2), as added by this act, after November 19, 1997 and before July 1, 1999; and
- (2) on July 1, 1999, has been removed from a parent and has been under the supervision of a county office of family and children for at least fifteen (15) months of the most recent twenty-two (22) months.

(b) Except as provided in IC 31-35-2-4.5(d), as added by this act, a petition to terminate the parent-child relationship must be filed under IC 31-35-2-4 with respect to all children in Indiana to whom this section applies, not later than July 29, 1999.

(c) This SECTION does not require the filing of a petition to terminate the parent-child relationship with respect to a child described in this SECTION if the child is not a child who is in an out-of-home placement as described in IC 31-35-2-4.5(a)(2), as added by this act, on the date the petition is or would be ready for filing.

(d) This SECTION expires December 31, 1999.

#### **1998-35-32**

SECTION 32. (a) Notwithstanding IC 31-34-21-5, the panel or court shall determine the matters under IC 31-34-21-5(a).

(b) This SECTION expires July 1, 1999.

**1998-37-5**

SECTION 5. (a) Before January 1, 1999, the office of the secretary of family and social services shall amend 405 IAC 1-6-13(e) to include mental health counselors and marriage and family therapists licensed under IC 25-23.6 as providers of Medicaid reimbursable physician directed outpatient mental health services for group, family, and individual outpatient mental health services, subject to rules governing prior authorization and supervision.

(b) This SECTION expires January 1, 1999.

**1998-38-8**

SECTION 8. IC 6-1.1-26-6, as amended by this act, applies only to excess payments transferred to a surplus tax fund after June 30, 1998.

**1998-45-2**

SECTION 2. (a) There is appropriated from the state general fund to the employer reserve fund for the Indiana state teachers' retirement fund forty-eight million dollars (\$48,000,000) beginning July 1, 1998, and ending June 30, 1999, to fund postretirement increases under this act.

(b) This SECTION expires July 1, 1999.

**1998-58-11**

SECTION 11. (a) As used in this SECTION, "office" refers to the office of the children's health insurance program under IC 12-17-18, as added by this act.

(b) The office, with the assistance of the office of Medicaid policy and planning, shall apply under Section 1115 of the federal Social Security Act to the Secretary of the United States Department of Health and Human Services for any waivers required to implement the children's health insurance program. The intent of a waiver under this SECTION is to allow the state to offer the same health care services both to children who enroll in the children's health insurance program and to children who currently receive health care services under the Medicaid program.

(c) This SECTION expires January 1, 2001.

**1998-58-12**

SECTION 12. (a) The office of Medicaid policy and planning shall submit a state plan outlining Indiana's initial children's health insurance program to the Secretary of the United States Department of Health and Human Services before July 1, 1998.

(b) The office of the children's health insurance program established under IC 12-17-18, as added by this act, shall amend the state plan outlining Indiana's children's health insurance program to describe a children's health insurance program, including the elements required under IC 12-17-18, as added by this act, before July 1, 1999. The state plan amendment required under this SECTION must include identification of the benchmark program that will be used by the office, as provided in IC 12-17-18-18, as added by this act.

(c) The state may transfer funds from the Medicaid indigent care trust

fund under IC 12-15-20 to pay for the state's share of funds required to receive federal financial participation under the children's health insurance program.

(d) This SECTION expires January 1, 2003.

#### **1998-58-13**

SECTION 13. (a) The legislative services agency, on approval of the legislative council may perform an audit of the state department of health to include the following:

- (1) Evaluate whether the operation of the agency has been efficient and responsive to public needs.
- (2) Evaluate the management efficiency of the agency and the cost effectiveness and value of the information the agency processes.
- (3) Evaluate the objectives intended for the agency and the problems or needs that the agency is intended to address.
- (4) Evaluate the degree to which the intended objectives of the agency will be achieved.
- (5) Any other criteria identified by members of the budget committee or the legislative council.

(b) The audit required under subsection (a) must begin not later than May 1, 1998.

(c) The legislative services agency shall report to the budget committee and the legislative council the results of the audit conducted under subsection (a) not later than November 1, 1998.

(d) This SECTION expires January 1, 1999.

#### **1998-58-14**

SECTION 14. (a) This SECTION does not apply to services provided by a facility licensed under IC 16-28.

(b) As used in this SECTION, "community care network" means a system of providing or arranging for health services and related items for the residents of a community within the needs and resources of the community.

(c) As used in this SECTION, "political subdivision" has the meaning set forth in IC 34-4-16.5-2.

(d) One (1) or more political subdivisions may elect to participate in a pilot program under this SECTION by forming a community care network for the purpose of pooling and administering funds to be used in providing or arranging to provide health services and related items to at least one (1) of the following groups:

- (1) The employees of the political subdivisions.
- (2) Enrollees whose health services and items are provided under IC 12-15, if approved by the office of the secretary.
- (3) The enrollees of the children's health insurance program under IC 12-17-18.
- (4) The employees of private employers, if appropriate.
- (5) Other groups of residents approved for inclusion by the board of directors as provided under subsection (f).

(e) A community care network is authorized to pool funds provided to the community care network by:

- (1) the political subdivisions participating in the community care

- network;
- (2) private employers;
- (3) state and federal entities;
- (4) grants; and
- (5) any other source;

for financing and arranging to provide health services and related items to the employees and residents of the political subdivisions.

(f) A community care network is governed by a board of directors.

(g) A board of directors must have an odd number of members that is not less than five (5) members but not more than eleven (11) members.

(h) Members of a board of directors must include the following:

- (1) Representatives of the political subdivisions establishing the community care network.
- (2) Representatives of the employees of the political subdivisions establishing the community care network.
- (3) Representatives of the residents, if applicable, of the political subdivisions establishing the community care network.
- (4) Representatives of providers that will provide health services and related items to individuals receiving health care through the community care network.

The political subdivisions establishing the community care network must agree to the number of representatives under subdivisions (1) through (4).

(i) Each member of a board of directors must have demonstrated expertise in health care financing or health care delivery systems, or both.

(j) The executives of the political subdivisions establishing the community care network must:

- (1) agree to the number of members each executive may appoint; and
- (2) after reaching agreement under subdivision (1), appoint members;

to the board of directors.

(k) The board of directors of each community care network shall establish a community care network fund to pay for health services and related items for participants in the network.

(l) The board of directors shall establish guidelines for the community care network that include the following:

- (1) Quality assurance.
- (2) Benefit levels.
- (3) Improved access to health care.
- (4) Cost containment through early intervention.
- (5) Medical staff expertise.
- (6) Coordination of community resources.
- (7) Community, parental, and school involvement.

(m) A community care network must be approved annually by:

- (1) the department of insurance; and
- (2) the office of the secretary of family and social services.

(n) The department of insurance must certify that a community care network possesses necessary financial reserves.

- (o) A community care network may contract with:
  - (1) an accident and sickness insurance company, including reimbursement agreements under IC 27-8-11;
  - (2) a health care provider (as defined in IC 27-12-2-14); or
  - (3) a nonprofit agency that provides health care services;to provide or arrange for the provision of health services and items for the employees and residents of the political subdivisions establishing the community care network.
- (p) A contract under subsection (o) may be awarded only after the community care network uses a public bidding process for the contract.
- (q) A community care network established under this SECTION:
  - (1) may contract with the state to provide services under IC 12-14, IC 12-15, and IC 12-17-18; and
  - (2) is a body corporate and politic.
- (r) Any plan of self-insurance must include an aggregate stop-loss provision.
- (s) The political subdivisions establishing the community care network:
  - (1) shall appropriate to the community care network any funds necessary to provide health services and related items for employees of the political subdivisions; and
  - (2) may appropriate funds for health services and items provided to other residents of the political subdivisions.
- (t) If Medicaid funds are used by a community care network to pay for health services and related items, the office of Medicaid policy and planning:
  - (1) shall assure that patients served by federally qualified health centers, rural health clinics, and other primary care providers that target uninsured or Medicaid patients have equal or better access to comprehensive quality primary care services; and
  - (2) may apply to the Secretary of the United States Department of Health and Human Services for any waivers necessary to implement this SECTION.
- (u) If the office of Medicaid policy and planning seeks a waiver under IC 12-15 to establish a managed care program or other demonstration project, the office of Medicaid policy and planning shall not seek a waiver of:
  - (1) federally qualified health centers and rural health clinic services as mandatory Medicaid services under:
    - (A) 42 U.S.C. 1396a(10)(A);
    - (B) 42 U.S.C. 1396d(a)(2)(B); and
    - (C) 42 U.S.C. 1396d(a)(2)(C); or
  - (2) reasonable cost reimbursement for federally qualified health centers and rural health clinics under 42 U.S.C. 1396a(a)(13)(E).
- (v) A community care network established under this SECTION shall file a report with the department of insurance and the office of the secretary of family and social services not later than March 1 of each year that provides information about the community care network during the preceding calendar year that is requested by the department of insurance and the office of the secretary of family and social services.

(w) Not later than January 1, 2002, the department of insurance and the office of the secretary of family and social services shall begin to evaluate the community care networks established under this SECTION.

(x) Not later than November 1, 2002, the department of insurance and the office of the secretary of family and social services shall report to the legislative council and the governor regarding whether community care networks should be established legislatively on an ongoing basis.

(y) A community care network may not begin operation before January 1, 1999.

(z) This SECTION expires January 1, 2003.

#### **1998-64-4**

SECTION 4. (a) Notwithstanding IC 36-9-3-6, the term of a member of a regional transportation authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) who was appointed before July 1, 1998, expires September 30, 1998. Each appointing authority authorized by IC 36-9-3-5, as amended by this act, to make an appointment to a regional transportation authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall make the appointment to the regional transportation authority before September 1, 1998.

(b) Notwithstanding IC 36-9-3-7, members appointed under IC 36-9-3-5, as amended by this act, shall take office and meet as a board on October 1, 1998.

(c) This SECTION expires January 1, 2005.

#### **1998-64-5**

SECTION 5. (a) Notwithstanding IC 36-10-3-4, as amended by this act, a member of a town board who is not a resident of the district may finish the remainder of the member's current unexpired term. At the conclusion of the member's current term, the appointing authority shall appoint a member to the town board who meets the requirements of IC 36-10-3-4(a), as amended by this act.

(b) This SECTION expires December 31, 2004.

#### **1998-64-6**

SECTION 6. Notwithstanding the amendments made to IC 36-7-4-207 by P.L.225-1997, SECTION 1, an area plan commission that existed before the effective date of that act may continue to operate until January 1, 1999, under IC 36-7-4-207 as it existed before the enactment of that act. Any actions taken after June 30, 1997, and before January 1, 1999, by an area plan commission operating under this SECTION that otherwise comply with the Area Planning Law (as defined in IC 36-7-4-102) are legalized and validated.

#### **1998-64-9**

SECTION 9. (a) Except as provided in subsection (c), IC 16-22-2-7

applies to a governing board of a county hospital in a county having a population of more than seventy-five thousand (75,000) but less than seventy-eight thousand (78,000).

(b) Upon a petition by the governing board described in subsection (a), the county executive may decrease the size of the governing board as set forth in subsection (c).

(c) Notwithstanding IC 16-22-2-7(b), the size of the governing board may be decreased by eliminating the following members from the governing board before the member's term expires:

(1) One (1) member appointed by the county executive from the county executive's membership appointed under IC 16-22-2-5.5 before its repeal.

(2) One (1) member appointed by the county fiscal body from the county fiscal body's membership appointed under IC 16-22-2-5.5 before its repeal.

(d) This SECTION expires July 1, 1999.

#### **1998-69-19**

SECTION 19. (a) Not later than January 1, 1999, the commissioner of the department of insurance shall adopt rules under IC 4-22-2 regarding the format for and elements of the health maintenance organization comparison sheet required under IC 27-13-40-1, as added by this act.

(b) This SECTION expires January 1, 2000.

#### **1998-69-20**

SECTION 20. IC 27-13-34-12(4), as amended by this act, applies to contracts that are entered, renewed, or modified after June 30, 1998.

#### **1998-73-8**

SECTION 8. (a) The director of the division of disabilities, aging, and rehabilitative services shall develop the standardized disclosure document specified under IC 12-10-15-12, as added by this act, before September 1, 1998.

(b) A housing with services establishment (as defined by IC 12-10-15-3, as added by this act) is required to file a disclosure document under IC 12-10-15, as added by this act, within sixty (60) days of the publication of the standardized disclosure form by the director of the division of disabilities, aging, and rehabilitative services.

(c) This SECTION expires January 1, 1999.

#### **1998-73-9**

SECTION 9. (a) The health finance commission under IC 2-5-23 shall:

(1) review the process of resolving disputes between residents and housing with services establishments under IC 12-10-15, as added by this act; and

(2) make recommendations regarding a mediation process not later than January 1, 1999.

(b) This SECTION expires January 1, 1999.

**1998-79-113**

SECTION 113. IC 33-16-2-1, as amended by this act, applies only to applicants applying for a commission as a notary public after June 30, 1998.

**1998-83-5**

SECTION 5. (a) IC 36-8-13-5, as amended by this act, applies only to purchases that occur after June 30, 1998.

(b) IC 36-8-11-26 and IC 36-8-19-8.7, both as added by this act, apply only to purchases that occur after June 30, 1998.

**1998-84-28**

SECTION 28. (a) Notwithstanding IC 25-7-8-3(3), the application described in IC 25-7-8-2 must state that the applicant has successfully completed at least:

- (1) nine hundred (900) hours of instruction in the theory and practice of instructor training as a student in a barber school; or
- (2) five (5) years of full-time experience as a barber.

(b) This SECTION expires July 1, 2001.

**1998-84-29**

SECTION 29. (a) Notwithstanding IC 25-20.5-1-15, an individual who applies for certification to the Indiana hypnotist committee before January 1, 1999, may:

- (1) be certified as a hypnotist without being required to take the examination if the individual has completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana; or
- (2) take the examination, notwithstanding the individual's failure to meet the requirements of IC 25-20.5-1-10(a)(1)(C), if the individual meets the other requirements under IC 25-20.5-1-10, and has had at least ten (10) years of continued experience in hypnotism or has completed before July 1, 1997, a course in hypnotism from a state approved school that included less than three hundred (300) classroom hours.

(b) This SECTION expires July 1, 2000.

**1998-84-30**

SECTION 30. (a) Notwithstanding IC 25-5.1, as amended by this act, an individual who holds a valid athletic trainer's certificate on June 30, 1998, is considered to hold a valid athletic trainer's license under IC 25-5.1, as amended by this act, after June 30, 1998. The individual need not reapply for a replacement license under IC 25-5.1, as amended by this act, and the certificate shall be treated as a valid license issued under IC 25-5.1, as amended by this act, until the certificate's expiration date.

(b) An athletic trainer's license described in subsection (a) expires on the date the athletic trainer's certificate would have expired if the amendments to IC 25-5.1 by this act had not been enacted.



(c) This SECTION expires July 1, 2000.

**1998-85-4**

SECTION 4. IC 33-19-6-10, as amended by this act, applies to findings under IC 9-30-5 made after June 30, 1998, regardless of when the action was filed.

**1998-86-2**

SECTION 2. A cause of action based on adverse possession may not be commenced against a political subdivision (as defined in IC 36-1-2-13) after June 30, 1998.

**1998-88-5**

SECTION 5. (a) Notwithstanding IC 6-6-4.1-13(d), as added by this act, a yard tractor may be operated on a public highway if it displays a temporary permit issued under subsection (b).

(b) Notwithstanding IC 9-18-32, as added by this act, the bureau of motor vehicles shall issue a temporary permit designed for display on a yard tractor that designates the yard tractor as a tractor permitted to operate on a public highway under IC 6-6-4.1-13(d).

(c) This SECTION expires July 1, 1999.

**1998-91-38**

SECTION 38. (a) After the department establishes the annual surcharge for physicians under IC 27-12-5-2, as amended by this act, the department shall publish in the Indiana Register an estimated surcharge for all physicians practicing in the same specialty class.

(b) The department of insurance shall publish the estimated surcharges under subsection (a) in the Indiana Register not later than February 1, 1999.

(c) This SECTION expires January 1, 2000.

**1998-93-22**

SECTION 22. (a) The solid waste management board shall adopt rules under:

(1) IC 13-20-13-11, as amended by this act, necessary to implement IC 13-20-13; and

(2) IC 13-20-14-6 necessary to implement IC 13-20-14, as amended by this act;

before July 1, 1999.

(b) The requirement to maintain financial assurance acceptable to the department necessary for waste tire removal under IC 13-20-13-5(3), as amended by this act, does not apply to a waste tire storage site that stores waste tires indoors within a completely enclosed structure that exists before the effective date of rules adopted under subsection (a) until the date the rules adopted by the solid waste management board under subsection (a) become effective.

(c) The requirements to:

(1) disclose evidence of financial assurance acceptable to the department under IC 13-20-14-5(b)(4), as added by this act; and

(2) maintain financial assurance acceptable to the department

under IC 13-20-14-5(f)(4), as added by this act;  
do not apply to a waste tire transporter that exists before the effective date of rules adopted under subsection (a) until the date the rules adopted by the solid waste management board under subsection (a) become effective.

(d) This SECTION expires the earlier of the following:

- (1) The date the rules adopted by the solid waste management board under subsection (a) become effective.
- (2) July 2, 1999.

### **1998-98-2**

SECTION 2. (a) Notwithstanding IC 36-8-16.5-18(c)(2), as added by this act, the initial members appointed to the wireless 911 advisory board under IC 36-8-16.5-18(c)(2) are appointed for the following terms:

- (1) Two (2) members for a term of one (1) year.
- (2) Two (2) members for a term of two (2) years.
- (3) One (1) member for a term of three (3) years.

(b) Notwithstanding IC 36-8-16.5-18(c)(3), as added by this act, the initial members appointed to the wireless 911 advisory board under IC 36-8-16.5-18(c)(3) are appointed for the following terms:

- (1) Two (2) members for a term of one (1) year.
- (2) Two (2) members for a term of two (2) years.
- (3) One (1) member for a term of three (3) years.

(c) The initial members appointed to the wireless 911 advisory board under IC 36-8-16.5-18, as added by this act, must be appointed not later than the later of May 1, 1998, or sixty (60) days after the day this act takes effect.

(d) Notwithstanding IC 36-8-16.5-26, as added by this act, the board shall set the initial wireless enhanced 911 fee described by IC 36-8-16.5-25, as added by this act, at sixty-five cents (\$0.65) per month for each commercial mobile radio service telephone number, to be imposed not later than May 1, 1998. The fee must be applied uniformly throughout Indiana. The first distribution from the 911 fund to the public safety answering points may not be later than September 1, 1998.

(e) Notwithstanding IC 36-8-16.5-26, as added by this act, the board may not raise the wireless enhanced 911 fee described by IC 36-8-16.5-25, as added by this act, earlier than one (1) year after the date this act takes effect.

(f) This SECTION expires July 1, 2002.

### **1998-102-3**

SECTION 3. (a) As used in this SECTION, "committee" refers to the central state advisory committee established by P.L.40-1994, SECTION 87, as amended by this act.

(b) The committee shall obtain the following information regarding adults with mental illness and adults with mental retardation:

- (1) The number of adults with mental illness and adults with mental retardation.
- (2) The number of adults with mental illness and adults with

mental retardation confined by the department of correction.

(3) The number of adults with mental illness and adults with mental retardation who will:

(A) be released by the department of correction; and

(B) require services for mental illness or services for mental retardation.

(4) The number of adults with mental illness and adults with mental retardation confined in county jails.

(5) The number of adults with mental illness who will require services for mental illness.

(6) The number of adults with mental illness who require services for mental illness who will not receive adequate services. The committee shall determine the reasons for any lack of needed services.

(7) Classification of mental illness and associated numbers of adults with mental illness within each classification.

(8) The requirements for services, including the types of placements needed, for all adults with mental illness.

(9) The number of beds required to serve adults with mental illness.

(c) The information gathered under subsection (b) must:

(1) include total information both for the entire state and for the Central State catchment area; and

(2) be presented by July 1 of each year in a format of projections for each year, beginning with 1998 through 2002.

(d) The committee shall study the nature and scope of services required for each classification of mental illness determined under subsection (b)(7).

(e) The committee shall study appropriate strategies for providing services to the numbers of adults within each classification of mental illness determined under subsection (b)(7), including the following:

(1) The kinds of private services available.

(2) An evaluation of the cost of purchasing private services as compared with providing services in state institutional care.

(3) The nature and availability of alternate services.

(f) The committee shall study funding and other fiscal issues related to providing appropriate services to adults with mental illness.

(g) The committee shall study administrative issues related to providing appropriate services to adults with mental illness.

(h) The committee shall study whether there is a need for institutional care for adult individuals with mental illness at the site of Central State Hospital.

(i) The committee may study other issues the committee considers relevant to determine the best way to provide appropriate services to adults with mental illness and adults with mental retardation.

(j) The committee shall study alternative forms of treatment and sentencing for adult offenders with mental retardation, including specialized services that may be provided in correctional facilities or other facilities.

(k) The division of mental health and other state agencies as determined by the committee shall:

(1) provide all information the committee considers appropriate to its study under this SECTION; and

(2) cooperate with the committee in the study required by this SECTION.

(l) The committee shall report the results of its study and its recommendations to the legislative council as the committee considers appropriate or as otherwise required by the legislative council.

(m) The state may proceed with the development of a plan for the site of Central State Hospital, but:

(1) must report all details of a plan for the site of Central State Hospital to the committee; and

(2) may not implement any part of a plan for the site of Central State Hospital until the committee reports the results of its study and its recommendations as required under subsection (l).

(n) This SECTION expires July 1, 2001.

#### **1998-106-3**

SECTION 3. The state department of health shall apply for funds under Section 2625 of the Ryan White CARE Amendments of 1996 (42 U.S.C. 300ff-21 et seq.) to pay for all tests conducted under IC 16-41-6-4(a), as amended by this act.

#### **1998-106-4**

SECTION 4. (a) There is appropriated to the state department of health forty-nine thousand nine hundred and ninety-nine dollars (\$49,999) from the state general fund to pay for tests conducted under IC 16-41-6-4(a), as amended by this act, beginning July 1, 1998, and ending June 30, 1999.

(b) This SECTION expires July 1, 1999.

#### **1998-110-4**

SECTION 4. IC 13-21-3-14 and IC 13-21-3-14.5, as amended by this act, do not apply to a contract executed before April 1, 1998.

#### **1998-111-17**

SECTION 17. (a) IC 27-1-13-7, as amended by this act, applies to all medical malpractice liability insurance policies issued, delivered, or renewed after July 1, 1999.

(b) This SECTION expires January 1, 2000.

#### **1998-111-18**

SECTION 18. (a) After the department establishes the annual surcharge for physicians under IC 27-12-5-2, as amended by this act, or, after June 30, 1998, IC 34-18-5-2, the department shall publish in the Indiana Register an estimated surcharge for all physicians practicing in the same specialty class.

(b) The department of insurance shall publish the estimated surcharges under subsection (a) in the Indiana Register not later than January 1, 1999.

(c) This SECTION expires January 1, 2000.

**1998-112-3**

SECTION 3. IC 35-45-6-1, as amended by this act, and IC 35-45-15, as added by this act, apply only to offenses committed after June 30, 1998.

**1998-119-27**

SECTION 27. (a) This SECTION applies to a property owner who:

(1) before January 1, 1997, received notice from a:

(A) city that is a consolidated city; or

(B) city having a population of more than forty-three thousand seven hundred (43,700) but less than forty-four thousand seven hundred (44,700);

offering to provide property tax deductions to the property owner under IC 6-1.1-12.1;

(2) has fulfilled all expectations of the city concerning job creation or retention, capital investment, and other requirements imposed by the city; and

(3) is not eligible for the property tax deductions described in the agreement due to the failure of the property owner or the city, or both, to comply with one (1) or more requirements of IC 6-1.1-12.1.

(b) This subsection applies only to a city described in subsection (a)(1)(A). Notwithstanding IC 6-1.1-12.1, the city may grant the property tax deductions described in subsection (a) if, before July 1, 1998, both the property owner and the city complete all the procedures required by IC 6-1.1-12.1 that would have been necessary to grant the property tax deductions described in subsection (a).

(c) This subsection applies only to a city described in subsection (a)(1)(B). Notwithstanding IC 6-1.1-12.1, if a property owner has received a notice from the city offering to provide a property tax deduction, the county auditor shall make the appropriate deduction described in subsection (a) if, before July 1, 1998:

(1) the property owner complies with all requirements of IC 6-1.1-12.1 that would have been necessary to grant the deduction described in subsection (a); and

(2) the mayor of the city consents to the granting of the deduction.

(d) Property tax deductions granted under this SECTION apply to property taxes first due and payable after December 31, 1996.

(e) This SECTION expires July 2, 1998.

**1998-120-4**

SECTION 4. (a) Notwithstanding IC 15-1.5-10.5-5, as added by this act, the initial appointments to the board of trustees of the center for agricultural science and heritage under IC 15-1.5-10.5-4(a)(11), as added by this act, are as follows:

(1) Five (5) members for a one (1) year term.

(2) Five (5) members for a two (2) year term.

(3) Five (5) members for a three (3) year term.

(b) Notwithstanding IC 15-1.5-10.5-5, as added by this act, the terms of the initial members of the board of trustees of the center for agricultural science and heritage begin October 1, 1998.

(c) This SECTION expires September 30, 2003.

**1998-120-5**

SECTION 5. (a) The chairperson of the state fair commission shall call an organizational meeting of the board of trustees of the center for agricultural science and heritage during October 1998, for the purpose of electing a presiding officer described in IC 15-1.5-10.5-7, as added by this act. The chairperson or the chairperson's designee shall preside over the organizational meeting.

(b) This SECTION expires November 1, 1998.

**1998-124-13**

SECTION 13. (a) This SECTION applies to the following:

(1) A city having a population of more than one hundred ten thousand (110,000) but less than one hundred twenty thousand (120,000).

(2) A city having a population of more than thirty-three thousand eight hundred fifty (33,850) but less than thirty-five thousand (35,000).

(3) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(b) Within fifteen (15) days after a list of delinquent properties prepared under IC 6-1.1-24-1 is certified to the county auditor, the county auditor shall notify the mayor that the list is available for inspection. Upon notification, the mayor or the mayor's designee may examine the list to determine whether there are properties on the list that meet the following criteria for sale at a tax sale conducted by the city:

(1) The property is within the city's jurisdiction.

(2) At least six (6) installments of property taxes are delinquent.

(c) If the mayor or the mayor's designee determines that any of the properties included on the list are eligible for sale by the city, the mayor or the mayor's designee shall notify the county auditor that the city wishes to hold a tax sale of certain properties on the list. The mayor or the mayor's designee shall specifically identify the parcels or tracts that the city wishes to include in a tax sale. The mayor or the mayor's designee shall provide the notice required by this subsection to the county auditor within fifteen (15) days after the county auditor notifies the mayor that the tax sale list is available for inspection.

(d) Upon receiving notification that the city wishes to hold a tax sale, the county auditor shall authorize the city to hold a tax sale. The county auditor shall also remove the parcels or tracts specified by the city from the list prepared under IC 6-1.1-24-1.

(e) The city shall place on a tax sale list the parcels or tracts that will be included in the city's tax sale. A tax sale conducted by the city under this SECTION is in addition to a tax sale conducted under IC 6-1.1-24-5.6, as added by this act. Except as otherwise provided, the city has the same rights and obligations as the county under IC 6-1.1-24 and IC 6-1.1-25 with respect to the tax sale.

(f) A tax sale held under this SECTION must take place on or after August 1, 1998, and before November 1, 1998.

(g) The city may request that the county auditor issue to the city a tax sale certificate for property that is offered for sale under this SECTION but does not receive an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5(e).

(h) Upon receiving a request under subsection (g), the county auditor shall immediately issue to the city the requested tax sale certificate. The tax sale certificate entitles the city to a lien on the property in the amount of the minimum sale price. In addition, the city acquires the same rights as a purchaser, including the right to sell, assign, or transfer the tax sale certificate to another. However, the city shall hold the property for the taxing units described in subsection (i).

(i) When a lien is acquired by the city under this SECTION, no money shall be paid by the city. However, each of the taxing units having an interest in the taxes on the tract shall be credited with the full amount of all delinquent taxes due them.

(j) If a certificate of sale is issued to a purchaser under IC 6-1.1-24-9 and the real property is not redeemed within one hundred twenty (120) days after the date of sale under this SECTION, as extended by compliance with the notice provisions in IC 6-1.1-25-4.5, the county auditor shall, upon receipt of the certificate and subject to the limitations contained in this chapter, execute and deliver a deed for the property to the purchaser.

(k) If a certificate of sale is issued to the city under this SECTION and the real property is not redeemed within one hundred twenty (120) days after the city acquires a lien on the property under this SECTION, the county auditor shall, upon receipt of the certificate and subject to the limitations contained in IC 6-1.1-25, execute and deliver a deed for the property to the city. The county auditor shall execute deeds issued under this SECTION in the name of the state under the county auditor's name and seal. If a certificate of sale is lost before the execution of a deed, the county auditor shall, subject to the limitations in IC 6-1.1-25, execute and deliver a deed if the court has made a finding that the certificate did exist.

(l) When a deed for real property is executed under this SECTION, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor.

(m) When a deed is issued to the city under this SECTION, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and costs of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(n) A tax deed executed under this SECTION vests in the city an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale and that are not removed under subsection (m). However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(o) Notwithstanding the provisions of subsection (k), a county auditor is not required to execute a deed to the city under subsection (k) if the mayor determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The city may enter the property to conduct environmental investigations.

(p) The city may not conduct more than one (1) tax sale under this SECTION.

(q) Whenever the city acquires title to real property under this SECTION, the city may dispose of the real property under IC 36-1-11 or IC 6-1.1-25-9.5(f), as added by this act. The proceeds of a sale under IC 36-1-11 must be applied as follows:

- (1) First, to the cost of the sale, including the cost of maintenance, preservation, and administration of the property before sale, including prior unpaid costs of sales, preparation of the property for sale, advertising, and appraisal.
- (2) Second, to the payment of the taxes that were removed from the tax duplicate under subsection (m).
- (3) Third, any surplus remaining must be deposited in the city's general fund.

(r) The mayor or the mayor's designee shall file a report with the county board of commissioners before December 31, 1999. The report must:

- (1) list the real property acquired under this SECTION; and
- (2) indicate if a person resides or conducts a business on the property.

(s) The city shall mail a notice by certified mail before December 31, 1999, to each person listed in subsection (r)(2). The notice must state that the city has acquired title to the tract the person occupies.

(t) If the city determines under IC 36-1-11 that real property acquired under this SECTION must be retained by the city, the city may not dispose of the real property. The mayor or the mayor's designee may repair, maintain, equip, alter, and construct buildings upon the real property retained under this section in the same manner prescribed for other city buildings.

(u) This SECTION expires January 1, 2000.

#### **1998-125-25**

SECTION 25. IC 6-3.1-19, as added by this act, applies only to taxable years beginning after December 31, 1998.

#### **1998-125-26**

SECTION 26. IC 6-3.1-11.5, as added by this act, applies only to taxable years beginning after December 31, 1997.

#### **1998-129-1**

SECTION 1. (a) As used in this SECTION, "unit" has the meaning



set forth in IC 36-1-2-23.

(b) A fund that:

(1) was established by a unit before July 1, 1997; and

(2) would have been considered a riverboat fund for purposes of IC 36-1-8-9 if IC 36-1-8-9 had been in effect before July 1, 1997; is legalized and validated.

(c) A fund described in subsection (b) is considered a riverboat fund for purposes of IC 36-1-8-9.

### **1998-130-1**

SECTION 1. (a) As used in this SECTION, "committee" refers to the select joint committee on Medicaid oversight established by this SECTION.

(b) As used in this SECTION, "office" refers to the office of Medicaid policy and planning.

(c) The select joint committee on Medicaid oversight is established.

(d) The committee consists of twelve (12) voting members appointed as follows:

(1) Six (6) members shall be appointed by the president pro tempore of the senate, not more than three (3) of whom may be from the same political party.

(2) Six (6) members shall be appointed by the speaker of the house of representatives, not more than three (3) of whom may be from the same political party.

(e) A vacancy on the committee shall be filled by the appointing authority.

(f) The president pro tempore of the senate shall appoint a member of the committee to serve as chairman of the committee from January 31, 1998, until December 31, 1998.

(g) The speaker of the house of representatives shall appoint a member of the committee to serve as chairman of the committee from January 1, 1999, until December 31, 1999.

(h) The committee shall meet at the call of the chairman.

(i) The committee shall study, investigate, and oversee the following:

(1) Whether the contractor of the office under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program has properly performed the terms of the contractor's contract with the state.

(2) Legislative and administrative procedures that are needed to eliminate Medicaid claims reimbursement backlogs, delays, and errors.

(3) The establishment and implementation of a case mix reimbursement system designed for Indiana Medicaid certified nursing facilities developed by the office.

(4) Any other matter related to Medicaid.

(j) If the office awards a contract for processing provider claims for payment before January 1, 1999, the office shall submit the contract to the:

(1) committee; and

(2) budget committee established by IC 4-12-1-3;

for review before signing the contract or a document related to the

contract.

(k) The committee is under the jurisdiction of the legislative council. The legislative services agency shall provide staff support to the committee.

(l) Unless specifically authorized by the legislative council, the chairman may not create subcommittees.

(m) The committee may not recommend proposed legislation to the general assembly unless the proposed legislation is approved by a majority of the voting members appointed to serve on the committee. All votes taken by the committee must be:

(1) by roll call vote; and

(2) recorded.

(n) This SECTION expires December 31, 1999.

### **1998-130-2**

SECTION 2. (a) As used in this SECTION, "committee" refers to the select joint committee on Medicaid oversight established by this act.

(b) The contractor of the office of Medicaid policy and planning under IC 12-15-30 that has responsibility for processing provider claims for payment under the Medicaid program shall:

(1) review actual expenditures of the Medicaid program based on claims that are processed by the contractor; and

(2) provide oral and written reports on the expenditures to the committee:

(A) in a manner and format proposed by the committee; and

(B) whenever requested by the committee.

(c) This SECTION expires December 31, 1999.

### **1998-130-3**

SECTION 3. 405 IAC 1-14.2 is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this rule from the Indiana Administrative Code.

### **1998-131-1**

SECTION 1. Sec. 1. As used in this SECTION, "committee" refers to the probation services study committee established by section 2 of this SECTION.

Sec. 2. Given that probation services are an integral part of the law enforcement and correctional processes and are critical to ensure safety in Indiana communities, the probation services study committee is established.

Sec. 3. (a) The committee shall study, review, and make recommendations concerning the following:

(1) The mission of probation services.

(2) The duties, roles, and responsibilities of probation officers.

(3) Organizational changes considered necessary to improve the efficiency and thoroughness of the delivery of probation services.

(4) Improvements to the salary schedules and benefits available to probation officers and probation support staff.

(5) Training standards.

(6) Caseload and case classification standards.

(7) Methods and levels of funding for probation services.

(b) The committee may study other topics as assigned by the legislative council or as directed by the committee's chairman.

(c) The committee is under the jurisdiction of the legislative council and shall operate under the direction of the legislative council.

(d) Before November 1 of each year, the committee shall issue an annual or a final report stating its findings, conclusions, and recommendations. The committee shall issue other reports as directed by the legislative council.

Sec. 4. (a) The committee consists of seventeen (17) members.

(b) The speaker of the house of representatives, with the advice of the legislative leader of a major political party (as defined in IC 3-5-2-30) that is different from the political party of the speaker of the house of representatives, shall appoint two (2) representatives, not more than one (1) of whom is of the same political party, as members of the committee.

(c) The president pro tempore of the senate, with the advice of the legislative leader of a major political party (as defined in IC 3-5-2-30) that is different from the political party of the president pro tempore, shall appoint two (2) senators, not more than one (1) of whom is of the same political party, as members of the committee.

(d) The speaker of the house of representatives shall appoint the following additional members of the committee:

(1) With the advice of the Indiana Judges Association, one (1) judge who exercises criminal jurisdiction.

(2) With the advice of the Association of Indiana Counties, Inc., two (2) individuals who hold public office as a:

(A) county clerk;

(B) county auditor;

(C) county commissioner; or

(D) county council member.

(3) One (1) individual to represent the judicial conference of Indiana.

(4) One (1) individual to represent the department of correction.

(5) One (1) individual to represent the prosecuting attorneys council of Indiana.

(6) With the advice of the Indiana Sheriffs Association, Inc., one (1) county sheriff.

(7) With the advice of the Probation Officers Professional Association of Indiana, two (2) probation officers.

(e) The president pro tempore of the senate shall appoint the following additional members of the committee:

(1) With the advice of the Indiana Judges Association, one (1) judge who exercises juvenile jurisdiction.

(2) With the advice of the Association of Indiana Counties, Inc., one (1) individual who holds public office as a:

(A) county clerk;

(B) county auditor;

(C) county commissioner; or

(D) county council member.

(3) With the advice of the Association of Indiana Prosecuting

Attorneys, Inc., one (1) county prosecuting attorney.

(4) With the advice of the Probation Officers Professional Association of Indiana, two (2) probation officers.

(5) With the advice of the Indiana Association of Chiefs of Police, one (1) municipal police chief.

(6) With the advice of the Indiana Association of Community Corrections Act Counties, one (1) community corrections program director.

(f) The chairman of the legislative council shall name one (1) of the members chairman, and the vice chairman of the legislative council shall name another member vice chairman. The appointing authority may name a different chairman or vice chairman at any time.

(g) A member of the committee may be removed at any time by the appointing authority who appointed the member.

(h) If a vacancy occurs on the committee, the appointing authority making the original appointment shall fill the vacancy.

Sec. 5. Each legislative member and each lay member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals serving as legislative and lay members, respectively, on interim study committees established by the legislative council.

Sec. 6. Staff and administrative support for the committee shall be provided by the legislative services agency.

Sec. 7. (a) The legislative council may establish a budget for the committee.

(b) Subject to prior authorization of the legislative council, the expenses incurred by the committee in performing its duties shall be paid from the funds appropriated to the legislative council.

Sec. 8. The committee expires November 1, 2000.

Sec. 9. This SECTION expires November 2, 2000.